



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis & Notes

Board of County Commissioners

Tuesday, May 23, 2006

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

BCC Legislative Analysis & Notes
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Item No.	Subject Matter	Background	Analysis / Comments / Questions	LA
1D1	Procurement Reform Advisory Board Report and Recommendations	The Procurement Reform Advisory Board was created to review the County's Procurements administration practices and policies within the last 5 years and make recommendations to be present in a final report to the BCC	<ul style="list-style-type: none"> The recommendations include: detailed <u>review of the Cone of Silence</u> (impacts and value to procurement process), Mandated <u>advanced procurement planning</u>, advanced <u>integrated technology implementation</u>, increase <u>Manager's delegated authority</u>, improvement of <u>business and vendor relations initiatives</u>, implementation of the <u>Manager's administrative and legislative recommendation for Procurement Process Reform for goods and services</u> (2/2006 memo), approve amendments to AO 3-39 (<u>construction contracts and architectural/engineering process</u>) to <u>streamline change orders and payments to prime/sub firms</u>. 	MBM
4A	Emergency Response Plan for Pharmacies during local emergency	This ordinance establishes emergency response requirements for Community Pharmacies larger than 4,000 square feet, to provide for the sale of prescription drugs to the public within 24 hours of the declaration of a local state of emergency.	<ul style="list-style-type: none"> The ordinance also requires that Community Pharmacy to develop a "Pharmacy Emergency Plan" by March 1, 2006 to include: An Alternate Power Source (APS) sufficient to provide safe access to the pharmacy department during the daily operating hours required by the Florida Board of Pharmacy. A schedule for obtaining a building permit (if the APS requires construction) no later than March 1, and a certificate of occupancy no later than June 1, 2006. A maintenance plan for equipment related to the APS Plans for recall of personnel needed for distribution Identification of person having operational control of the pharmacy or emergency contact person charged with implementing the Emergency Plan. The County Office of Emergency Management is charged with reviewing and enforcing the implementation and execution of the Emergency Response Plan. The Board of County Commissioners passed similar requirements for gas stations and grocery stores in March 2006. 	JTS

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			<ul style="list-style-type: none"> Fiscal impact incurred by the Office of Emergency Management is indeterminable at this time. Costs depends on number of pharmacies which will need to be monitored, the assistance of other departments like Team Metro, to help inspect pharmacies, and the need for additional staffing to carry out the provisions of this section. Handwritten page 5 of this item contains two deadlines which have already passed. The dates may need to be amended to allow for the establishments to comply with the provisions of this ordinance. 	
4B	Ordinance Revising Installation Requirements for Backflow Prevention Barriers	<ul style="list-style-type: none"> This ordinance amends the installation requirements for backflow prevention assemblies for certain commercial and industrial businesses. This amendment provides that commercial and industrial buildings install backflow preventers that are more aesthetically pleasing. New high rise buildings over four stories high will be required to install backflow prevention barriers. The use of the barriers is only applicable to new installation buildings with of backflow preventers; customers with backflow preventers prior to this ordinance are exempt from the respective requirements. 	<ul style="list-style-type: none"> The intent is to enhance the appearance of backflow installations with backflow prevention barrier. The Item states that both the Department of Planning and Zoning and the Building Department will provide plan approval relating to the new installation requirements. Additionally the Department of Planning and Zoning will conduct inspections to confirm compliance with the new requirements. <ul style="list-style-type: none"> No Additional or New Staff needed. The economic impact of the backflow prevention barrier should be an approximate 10% increase above the original installation cost of the backflow preventer. <ul style="list-style-type: none"> Note: The cost of the backflow prevention barriers may range in price due to the size of the barrier needed, quality of the barrier, the type of installation, location of the installation, etc. 	TDW
4C	Ordinance amending the amount of special water and sewer construction	<ul style="list-style-type: none"> WASD's Downtown Kendall project provides installation of new water and sewer lines along North Kendall Drive 	Model Formula:	TDW

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	connection charges for buildings and properties in Downtown Kendall	<p>(SW 88th Street), east of the Palmetto Expressway (S.R.826) to accommodate changes in zoning policies as dictated by Ordinance No. 99-166.</p> <ul style="list-style-type: none"> • This amendment alters the special construction connection rates on new or increased water and sewer service lines for Downtown Kendall. • This amendment is provided as a result of WASD analysis providing the potential future flows for properties that would utilize the new water and sewer facilities generated by redevelopment projects in the respective area in Downtown Kendall. • The analysis generated by WASD estimated an average of 542,562 gallons of water and 349,271 gallons of sewage flow would be used in the area. • The special construction connection rates for water have been altered from \$0.53 per average daily gallon per day to \$0.58 per average daily gallon per day. • The special construction connection rates for sewer have altered from \$0.76 per average daily gallon per day to \$0.73 per average daily gallon per day. • This Amendment alters the maximum lump sum WASD anticipated paying the Downtown Dadeland Residential Condominiums, LLC to fund the project from \$783,738 to \$572,897. <p><i>(\$317,089 for water and \$255,808 for sewer = \$572,897)</i></p>	<p><u><i>estimated cost of construction</i></u> <i>estimated avg. daily flow of gallons = special connection charge per avg. daily gallons per day</i></p> <p>Note: Residents (property owners) in the area receiving the new water and sewer service/improvements will reimburse the lump sum total back to WASD.</p>	
4D	Street Lighting Special Taxing District	Paradise Homes	District 9	MBM
4E	Street Lighting Special Taxing District	Century Gardens	District 11	MBM
4F	Street Lighting Special Taxing District	Prince of Peace Catholic Church	District 12	MBM

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4G	Street Lighting Special Taxing District	Leti Subdivision Third Division	District 11	MBM
4H	Multipurpose Special Taxing District	Santa Barbara at Homestead	District 9	MBM
4I	Multipurpose Maintenance and Street Lighting Special Taxing District	Parkview Condominiums	District 13	MBM
4J	Multipurpose Maintenance and Street Lighting Special Taxing District	Princeton Park Homes	District 8	MBM
4K	Ordinance exempting certain Procurement items from “4 Day Rule”	This resolution seeks to include items by the Department of Procurement Management (bid awards and bid waivers) that have been forwarded by a committee with a favorable recommendation to the commission without being subject to the four-day rule.	<ul style="list-style-type: none"> Approval of this item would shorten the procurement process for bid awards and bid waivers from 21-25 days. Other items that are not subject to the four-day rule are: special or emergency meetings and items related to the County’s Legislative Package. 	MBM
4L	Gift Disclosure	<p>Currently, any County: Commissioner, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel, or employee, must disclose any Gift with a value in excess of \$100.</p> <ul style="list-style-type: none"> This Ordinance amends Sec. 2-11.1(e) of the Code of Miami-Dade County, to require that any of the positions listed above must disclose any Gift with a value in excess of \$25, and <u>may not</u> accept a Gift with a value in excess of \$100. 	<p>Exceptions - The provisions of subsection (e)(1) shall not apply to:</p> <ol style="list-style-type: none"> Political contributions specifically authorized by State law; Gifts from relatives or members of one's household; Awards for professional or civic achievement; Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business. Gifts solicited by Commissioners on behalf of any 	TG

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			<p>nonprofit organization for use solely by that organization where neither the Commissioner nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.</p>	
4M	Temporary Limo Licenses for Super Bowl and special events	<p>This ordinance amends Chapter 31, Article VI, Sec. 31-613 of the County Code relating the licensing and regulation of for-hire limousines, to allow the County Manager to set rules and regulations for the issuance of additional <i>temporary</i> limo licenses during special major events such as the Super Bowl, major award shows or “summits, political conventions and other major special events of national or international significance.”</p>	<ul style="list-style-type: none"> • Current supply of for-hire limousines: 493 luxury sedans, 37 stretch and 158 super stretch limos licensed in Miami-Dade. • This supply is depleted quickly during major events such as the Super Bowl, World Series, and MTV music awards shows. • The Board of County Commissioners has granted the County Manager the ability to issue temporary limo licenses during past Super Bowls. According to this item, the County Manager would not have to come back before the Board for future events to request for the power to issue temporary licenses. • Temporary licenses for the Super Bowl would be valid for 2 weeks. • Temporary licensees for all other major events would be valid for a time period set by the Consumer Services Department • Application fees are \$100 per vehicle, and \$100 per company that does not already hold a license in Miami-Dade County. 	JTS
4N	Amendments to Living Wage Ordinance	<ul style="list-style-type: none"> • This Ordinance amends Section 2-8.9 of the Code of Miami-Dade County to include In-Warehouse Cargo 	<ul style="list-style-type: none"> • The current Living Wage Rate as defined in Section 2-8.9 of the Code of Miami-Dade County, as of October 1, 2005, is \$9.81 	BM

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		Handling at Miami-Dade County Aviation Department Facilities as a covered service.	<p>per hour with qualifying health benefits valued at least \$1.42 per hour, otherwise \$11.23 per hour.</p> <ul style="list-style-type: none"> Fiscal impact is not yet determined 	
40	Securing of Construction Sites in the event of Severe Weather	<p>This Ordinance makes the following changes to Sec. 8-16 of the Code of Miami-Dade County governing Building Codes: Construction Sites:</p> <ul style="list-style-type: none"> Construction Equipment and Materials may not be maintained or stored on any property where a building permit has not been issued unless a Certificate of Use has been issued to the property owner. <ul style="list-style-type: none"> Final Inspections shall not be granted until all construction equipment and debris have been removed from the site. All material, equipment, and debris must be removed from a site if the job has been abandoned, or the permits have lapsed. <p>Containing Material & Debris:</p> <ul style="list-style-type: none"> All building materials and debris on a site must be contained <p>Exceptions for the storage of Material & Debris</p> <ul style="list-style-type: none"> Up to 10 cubic yard of debris and material may be stored in “Open Air” piles on a site unless a severe weather advisory is in effect. No more than 2 piles per sub-division. <p>Storage of materials and equipment during hurricane season:</p> <ul style="list-style-type: none"> Open Air storage for more than 7 days is prohibited Materials contained in their original packaging or packaged together so as to resist separation during 	<p>This Ordinance is designed to reduce the instances of, and damage caused by, flying debris during severe weather events.</p> <p>This Ordinance allows the Building Department some discretion in the enforcement of any penalties associated with a failure to comply with these provisions.</p>	TG

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		<p>severe weather may be stored outdoors without limitation to time</p> <ul style="list-style-type: none"> • No materials may be stored on rooftops • Other materials not covered above must be secured or affixed so as to resist being blow away by winds or must be stored in a building • It is the responsibility of the permit holder and property owner to adhere to all provisions of this code. • The Building Department may refuse to perform any requested inspections if violations are observed 		
4P	Storage of loose objects in the event of a Severe Weather Advisory	<p>This Ordinance defines a Severe Weather Advisory as a:</p> <ul style="list-style-type: none"> • Tropical Storm Warning • Hurricane Watch • Hurricane Warning <p>Once a severe weather advisory is issued, loose objects shall be secured by:</p> <ul style="list-style-type: none"> • Storing object in a building • Bundling objects together or securing objects so as to prevent them from becoming windborne during severe weather 	<p>This Ordinance is designed to reduce the instances of, and damage caused by, flying objects during severe weather events.</p> <p>Failure to abide by the provisions of this subsection shall be punishable by civil fine \$500.</p> <p>This Section shall preempt any inconsistent municipal ordinance.</p>	TG
4Q	Ordinance Amending Miami-Dade County Code 20-43 Community County	<ul style="list-style-type: none"> • During the BCC meeting on February 14, 2006, the BCC passed Resolution No. 289-06, establishing the remaining boundaries and sub-areas for the South Bay Community Council 15 (CC 15) due to the incorporation of Cutler Bay removing a portion of the area. • This ordinance provides an amendment modifying the first term of three of the incoming new members in order to allow for staggered terms. 	<ul style="list-style-type: none"> • Community Council 15 has 7 seats- 6 are elected (4-year terms) and 1 is appointed. • Only two incumbent seats remain after incorporation of Cutler Bay and the boundary changes- 1 of the Odd Sub-Area Seats and 1 of the Even Sub-Area Seats. • This Modification establishes that the <i>Odd Sub-Area Seats will have their election in 2006 as originally planned & the newly elected Even Sub-Area Seats be elected in 2006 but later create</i> 	TDW

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		<ul style="list-style-type: none"> This amendment aligns the new council with the rest of the Community Council structure in the County with the staggered terms. 	<p><i>the staggered affect by going back up for election in 2008.</i></p> <ul style="list-style-type: none"> <i>After the initial 2 year staggered cycle for Even Sub-Area Seats the Community Council will continue their 4-year terms across the board.</i> The beginning service date will take place “during the second Tuesday next succeeding the date provided for the State General Election” (in November). 	
5A-5A1	Multipurpose Maintenance and Street Lighting Special Taxing District	Spring Flowers Subdivision	District 8	MBM
5B-5B1	Street Lighting Special Taxing District	Endless Subdivision	District 11	MBM
5C-5C1	Street Lighting Special Taxing District	Royal Gate Center	District 9	MBM
5D-5D1	Street Lighting Special Taxing District	Forest Lake Paradise	District 11	MBM
5E-5E1	Multipurpose Maintenance and Street Lighting Special Taxing District	Miami Gardens Park	District 13	MBM
5F	Multipurpose Special Taxing District	Florence and Venice at Crystal Lake	District 9	MBM
5G-5G1	Multipurpose Maintenance and Street Lighting Special Taxing District	Lake Frances Subdivision	District 9	MBM
5H-5H1	Street Lighting Special Taxing District	A.S.A Subdivision 1 st Addition	District 9	MBM
5J	Plat Approvals	A.B. at Tamiami Airport 2	District 9	MBM
5K	Plat Approvals	General Tobacco	District 12	MBM
5L	Plat Approvals	Madeira Commerce	District 8	MBM
5M	Plat Approvals	Silver Palm East Section Three	District 8	MBM
5N	Plat Approvals	Sun Investments & Real Estate Corporation	District 9	MBM
5O	Plat Approvals	West Perrine Community Development Corporation, Inc.	District 9	MBM
5P	Plat Approvals	AMY Subdivision	District 9	MBM

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5Q	Class IV Wetlands Permit Application and Restrictive Covenant by Miami-Dade County Public Schools to Impact 42.00 Acres of Wetlands	<ul style="list-style-type: none"> This Class IV Permit Application involves the proposed clearing and filling of 42.00 Acres of wetlands for the construction of a high school, middle school, elementary school, and elevated boardwalk. The property is located east of the intersection of Hialeah Gardens Blvd. and Okeechobee Road. Adjacent Properties to the proposed project: East- Single-Family Homes West- Hialeah Gardens Blvd. North- Vacant Wetland Property South- Okeechobee Road 	Compensatory Mitigation for the Ecological Impacts related to the wetland habitat lost with the project provides funding for restoration to 41.14 acres of wetland marsh to the Hole-in-the Donut, Regional Off-Site Mitigation Area performed and managed by the Everglades National Park & on-site mitigation providing the execution of enhancement, preservation, and management of wetlands within 2.00 acres within an on-site mitigation area.	TDW
11A3	Resolution amending Resolution No. R-342-06, providing an extension for reporting date of the Mitigation Adjustment Policy Review Task Force (regarding adjustment of mitigation paid by municipalities).	<ul style="list-style-type: none"> This resolution extends the task force report deadline to June 15, 2006. 		TDW
12A1	Ratifying County Manager's Actions pursuant to the Expedite Ordinance for March 1 – March 19 2006	<ul style="list-style-type: none"> 4 Contract Awards totaling: \$10,360,966 1 Contact Adjustment totaling: \$242,000 2 Bid Rejections 3 Change Orders totaling: \$144,947 	One contract Award with Williams Paving Co. was awarded for \$4,119,889. This was approximately \$1 million over the estimated project cost.	TG
13A1	Payment of attorney's fees	This resolution authorizes the payment of attorney's fees to Greenberg Glusker Fields Claman Machtinger & Kinsella LLP for services rendered in relation to that was pending in the U.S. District Court for the Central District of California.	<ul style="list-style-type: none"> Amount of fees: \$4,913.65. The case has been transferred to the U.S. District Court for the Southern District, negating the need for out-of-state counsel. 	JTS
14A1	Zoning Regulations for permanently installed generators	This Ordinance amends Section 33-20.1 of the Code of Miami-Dade County to list zoning regulations for permanently	<ul style="list-style-type: none"> <u>Additional Item Subject to the 4-Day Rule</u> 	BM

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		installed generators. Includes setbacks or setback exceptions and the number of generators permitted in residential districts.	<ul style="list-style-type: none"> First Reading 	
14A2	Codesignating a portion of LeJeune Road	This Resolution designates LeJeune Road from Flagler Street to S.W. 8 th Street as Rafael L. Diaz-Balart Road and urges the Governor to sign SB 1350 filed by Representative David Riviera during the 2006 legislative session to do same.	<ul style="list-style-type: none"> <u>Additional Item Subject to the 4-Day Rule</u> 	BM
14A3	Resolution directing County Manager to identify funds for Individual Development Accounts Commissioner Jordan	<ul style="list-style-type: none"> Directing Manager to identify \$500,000 in CDBG funds for allocation to Individual Development Accounts (IDA). To also identify \$1 million from the Housing Trust Fund and other funding sources to serve as matching funds for a federal program by the Department of Health and Human Services Assets for Independence grant. The combined funds totaling \$1.5 million must be identified over a five year period. 	<ul style="list-style-type: none"> <u>Additional Item subject to the 4-day rule</u> IDA are dedicated savings accounts that can only be used for purchasing a home, paying for education or job training expenses, or capitalizing a small business IDA are held at local financial institutions in the name of the individual participant Contributions are made by individual participants over a pre-established time period and are matched using both private and public sources CDBG and Assets for Independence Grant funds may be used as a required match This item was forwarded with a favorable recommendation by the CEERC committee on May 16, 2006. 	MBM
14A4	Ordinance Amending Article II, Sec. 18 of County Code relating to Miami Dade Fire and Rescue District (District)	<ul style="list-style-type: none"> To allow municipalities to join the District through ordinance and BCC approval 	<ul style="list-style-type: none"> First reading item <u>Additional Item subject to the 4-day rule</u> 	MBM
15B1	Report from Clerk of the Board	Discusses the proposed public hearing dates for ordinances submitted for first reading on May 23, 2006.		JTS
15B2	Report from Clerk of the Board	This report concerns the minutes from the regular Board of		JTS

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		County Commissioners meeting and the Board's Zoning meeting on Feb. 23, 2006.		
15B3	Resolution from the City of North Miami	The Mayor and City Council of the City of North Miami, request that the Miami-Dade County Board of County Commissioners co-designate N.E. 135th street, east of Biscayne Boulevard, as Arch Creek East Boulevard .		JTS
15B4	Report from Clerk of the Board	Approval of Miami-Dade property appraiser personal property cut-out summary sheets		JTS
15B5	Resolution from the City of North Miami Beach	The Mayor and City Council of the City of North Miami Beach, Florida, supporting the proposed Miami-Dade County ordinance establishing procurement procedures for projects funded by the Building Better Communities General Obligation Bond program.		JTS
15C1	Appointment of <i>Kweku K. Bentil, Ph.D.</i> to the Health Council of South Florid, effective July 1, 2006 (recommended by the Health Council of South Florida, Inc's Nominating Committee.		<ul style="list-style-type: none"> Dr. Bentil resides in the City of Doral (Miami-Dade County). 	TDW

